

VZCZCXRO4279

PP RUEHCHI RUEHDT RUEHHM RUEHNH

DE RUEHPF #0279/01 1211200

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FM AMEMBASSY PHNOM PENH

TO RUEHC/SECSTATE WASHDC PRIORITY 0657

INFO RUCNASE/ASEAN MEMBER COLLECTIVE

UNCLAS SECTION 01 OF 02 PHNOM PENH 000279

SENSITIVE

SIPDIS

STATE FOR EAP/MLS, P, D, CA, DRL

E.O. 12958: N/A

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SUBJECT: DEFAMATION CASES MOVING FORWARD; MU SOCHUA STILL PREDICTING HER WALK TO JAIL

REF: Phnom Penh 273

SENSITIVE BUT UNCLASSIFIED

**¶11.** (SBU) SUMMARY: As the courts announced two sets of appearances on May 7 in the crossed cases for defamation by Prime Minister Hun Sen and opposition parliamentarian Mu Sochua against each other, the Ambassador May 1 reached out to Mu Sochua to express concern for her wellbeing. DCM the same day spoke to Minister of Information Khieu Kanharith, who stated that the issue of lifting her parliamentary immunity had been initially raised by Mu Sochua and was not the government's intent. Sochua believes an April 29 speech by Hun Sen has sealed her fate, but Khieu Kanharith claimed that the court case was an effort to bolster perceptions of the Prime Minister's political strength in the wake of unfounded international criticism, and hinted that moderate CPP elements may prevail. END SUMMARY.

Mu Sochua Paints Herself Resigned to Jail

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**¶12.** (SBU) The Ambassador told Mu Sochua that the Embassy was following her case closely, expressed concern for her wellbeing and noted some seemed to believe that her arrest was imminent. Sochua acknowledged local legal views that there were a number of steps that would have to be taken before she could be arrested, including the lifting of her parliamentary immunity, which she felt was "only a matter of time." She referred to PM Hun Sen's April 29 comments (reftel) which she said were a "clear signal" of what was going to happen.

**¶13.** (SBU) The Ambassador asked Mu Sochua why she believed that her immunity would be lifted when the defamation case was a civil matter that could proceed without the lifting of her parliamentary immunity. Mu Sochua paused and pointed again to the prime minister's remarks. Noting that her life was "too important to be taken by surprise," she stated that she was making preparations to go to prison.

**¶14.** (SBU) If the authorities tried to arrest her, she said, "I will not seek U.S. Embassy protection, as I am functioning as a Cambodian citizen and elected representative of the Cambodian people." (NOTE: Mu Sochua is an American citizen. Public comment about her case is likely subject to Privacy Act restrictions. END NOTE.) The Ambassador reiterated concern for her wellbeing and noted that the Embassy would continue to follow her case closely.

Khieu Kanharith: The CPP Got Involved

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**¶15.** (SBU) In answer to the DCM's expression of concern for Mu Sochua's treatment, Minister of Information Khieu Kanharith explained that the question of if, and how, the PM should react to Mu Sochua's suit was discussed at the CPP party level. (NOTE: A party congress was held over the weekend. END NOTE.) CPP members were divided across the entire spectrum, from no response at all to a very strong response. In the end, the advice Hun Sen accepted was that a failure to address the issue would have appeared weak, and

that some response would be better than no response at all. Khieu Kanharith considered the advice Hun Sen finally took had been "moderate."

Hun Sen Goaded Into Action

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¶6. (SBU) When asked why the submission of a court case had been supplemented by more fiery rhetoric (reftel), the minister replied that the PM's recent statements were prodded by a letter he recently received from foreigners that was very critical of the Hun Sen. That, coupled with Mu Sochua's own statements about being "led to jail" - which was published all over the world - was, in CPP's view, far

more damaging to Hun Sen's reputation than his own remarks that didn't even mention Mu Sochua by name. When asked to clarify whether the government had seriously considered lifting her immunity and arresting Mu Sochua, Khieu Kanharith said no and claimed that that had been raised only by Mu Sochua.

¶7. (SBU) The DCM urged Khieu Kanharith to advise Prime Minister Hun Sen that it was important not to escalate the issue still further, despite whatever provocations would come. He also urged resolution of the civil cases with a minimum of rhetoric and acrimony. The minister seemed to accept that harmonious relations were preferable but he clearly could not guarantee that that was the course that Hun Sen would follow if subjected to persistent provocation. The DCM noted that the Embassy would continue to follow the case closely.

¶8. (SBU) COMMENT: Notwithstanding Mu Sochua's view that she will soon "walk to jail," the facts on the ground indicate that the government has combined a defamation law suit with rhetorical

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flourishes in response to her perceived provocations. Certainly, no one with whom we have spoken about the case - except Mu Sochua herself - believes that her arrest is contemplated, much less imminent. That said, the thin skinned Hun Sen has never abided what most consider fair comment about his government - a serious failing that our representations and some of our programs try to address.

RODLEY